

**ZB# 05-50**

**Joseph Bonura  
(Interpretation)**

**37-1-31.1**

05-50

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Granted 10-24-05

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE:** July 19, 2005

**APPLICANT:** Joseph Bonura  
2975 Nys Route 9W  
New Windsor, New York 12553

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** July 19, 2005

**FOR :** Joseph Bonura

**LOCATED AT:** 2975 Nys Rt. 9W

**ZONE:** R-4      **Sec/Blk/ Lot:** 37-1-31.1

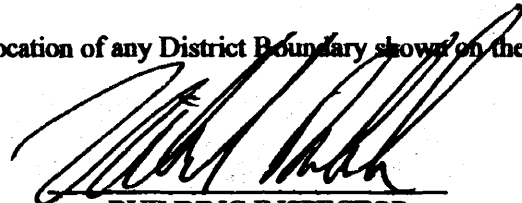
**COPY**

**DESCRIPTION OF EXISTING SITE:** EXISTING VACANT LAND

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. Section 300-84 A (2)

The ZBA shall have the determination of the exact location of any District Boundary shown on the zoning map, or use variance to locate a hotel in a R-4 Zone.



**BUILDING INSPECTOR**

**PERMITTED**

**PROPOSED OR  
AVAILABLE:**

**VARIANCE  
REQUEST:**

**ZONE:           USE:**

**MIN LOT AREA:**

**MIN LOT WIDTH:**

**REQ'D FRONT YD:**

**REQ'D SIDE YD:**

**REQ'D TOTAL SIDE TD:**

**REQ'D REAR YD:**

**REQ'D FRONTAGE:**

**MAX BLDG HT:**

**FLOOR AREA RATIO:**

**MIN LIVABLE AREA:**

**DEV COVERAGE:**

**cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP**

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final septic plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

JUL 19 2005

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit # PA2005-723

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Joseph A. Bonura

Address 2975 Rte 9W, New Windsor Ny Phone # 565 3390

Mailing Address Same Fax # 565 9451

Name of Architect Marshall Rosenthal

Address \_\_\_\_\_ Phone 562 0270

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the W side of 9W  
and Crescent Lane (N, S, E or W) feet from the intersection of 9W & Crescent Lane

2. Zone or use district in which premises are situated NC Is property a flood zone? Y N

3. Tax Map Description: Section 37 Block 1 Lot 31.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Vacant Land b. Intended use and occupancy Hotel

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

**PAID**  
**ZONING BOARD**

*cash*  
*50.00*

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors: Frank Liel & Louis Krychear**  
**New Windsor Town Hall**  
**555 Union Avenue**  
**New Windsor, New York 12553**  
**(845) 563-4618**  
**(845) 563-4695 FAX**

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

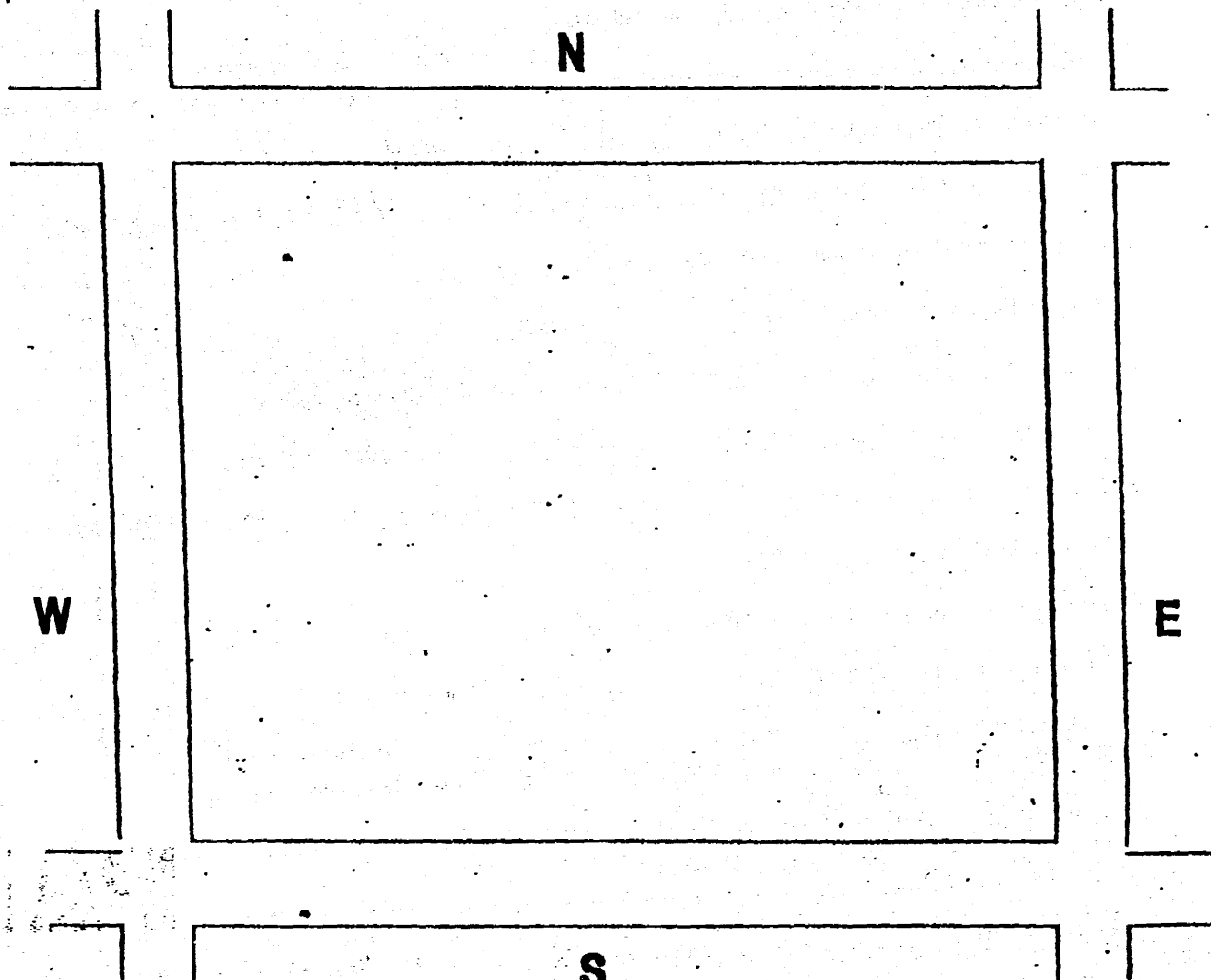
2975 Rte 9W New Windsor Ny 12553  
(Address of Applicant)

\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
(Owner's Address)

**NOTE:**

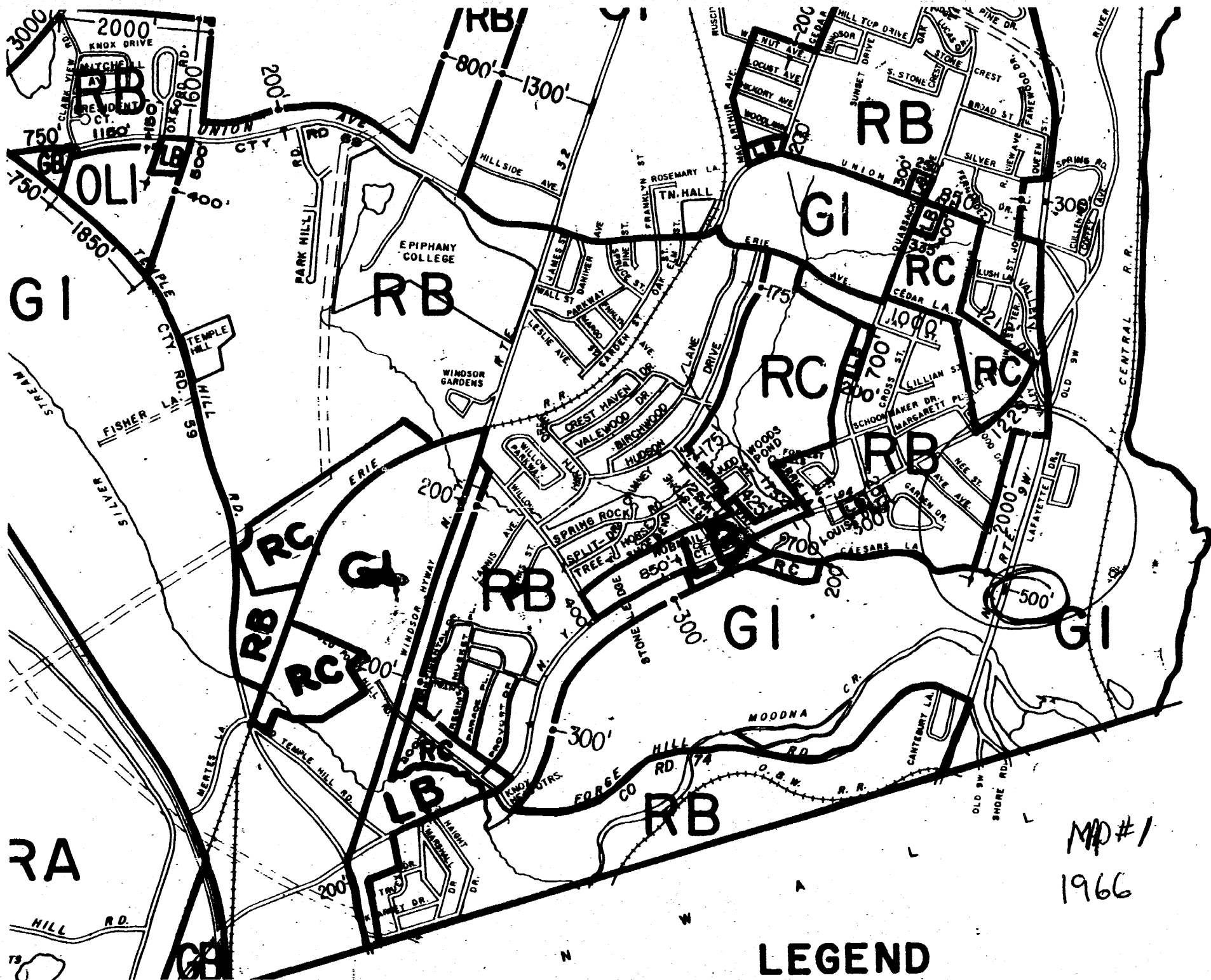
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

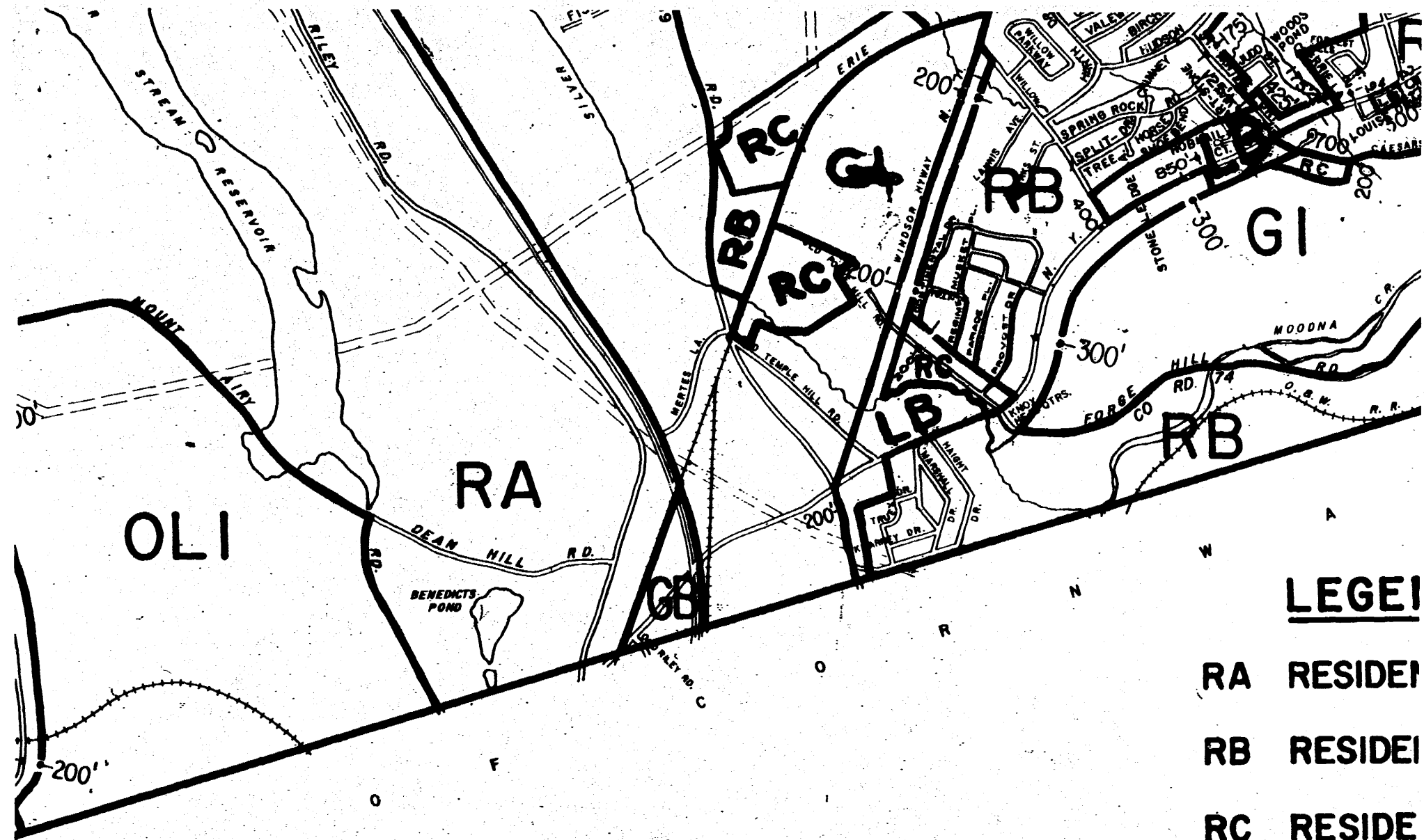






MD #1  
1966

LEGEND



## LEGEND

RA RESIDENTIAL

RB RESIDENTIAL

RC RESIDENTIAL

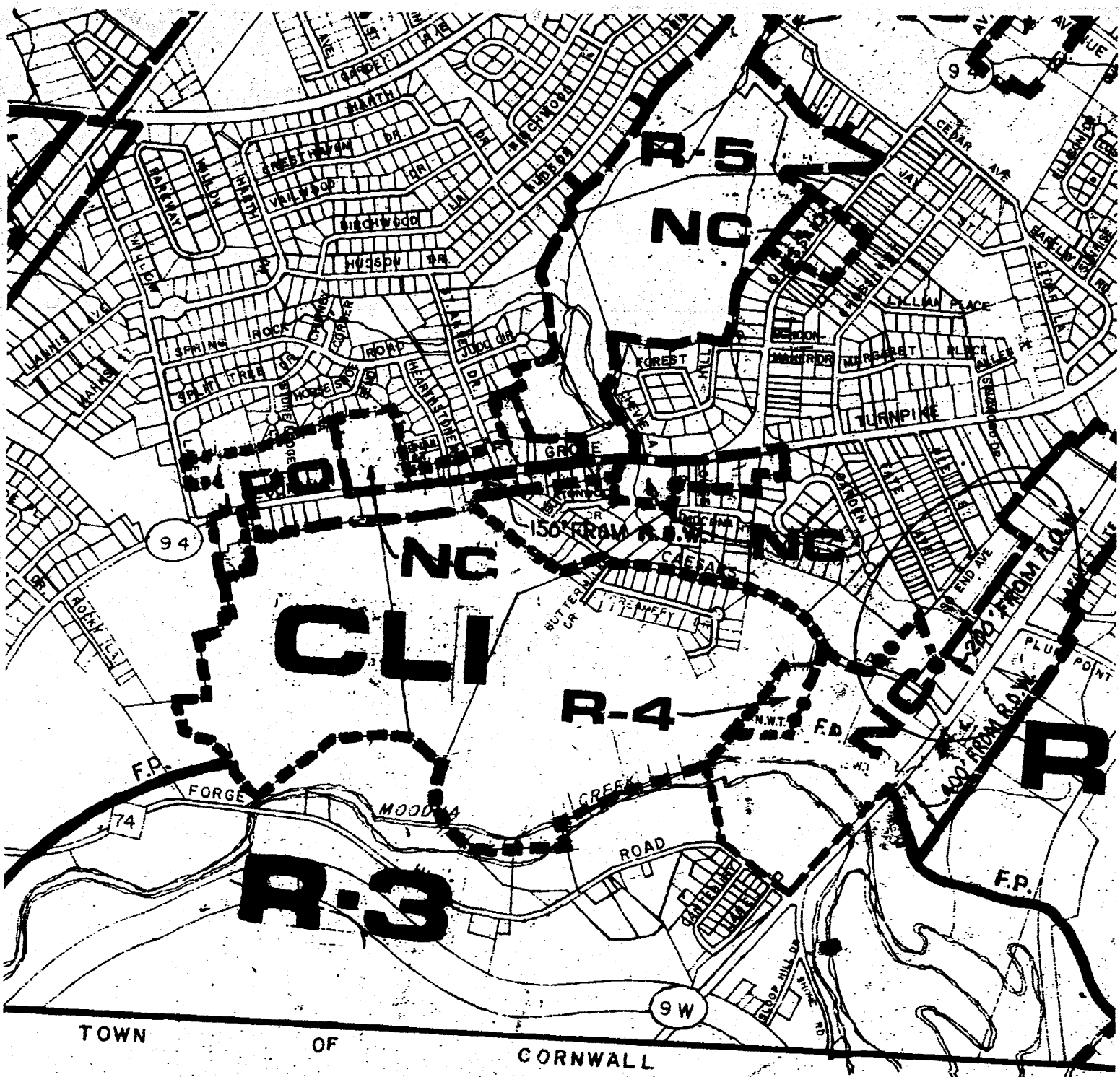
LB LOCAL

DS DESIGN

GB GENERAL

# AMENDED

MAY 4, 1966



ADD PLAIN BOUNDARY  
 OF JAN. 89 F.E.M.A. MAPS

MAP #3

Date	Description	
OCT 92	PIZZO PROP. REZONED TO PD	
AUG 93	REVISE 'NC' ZONE ALONG RT. 9W	C.B.
MAR 97	GENERAL REVISION	C.B.

**MHE** McCL  
 CON

2005  
MAP # 2



NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 37-1-31.1

In the Matter of the Application of

JOSEPH BONURA

MEMORANDUM OF  
DECISION GRANTING

INTERPRETATION

CASE #05-50

**WHEREAS, Joseph Bonura, Jr. , owner(s) of 2975 Route 9W, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for determination of the exact location of any District Boundary shown on the zoning map, or Use Variance to locate a hotel in an R-4 Zone at 2975 NYS RT. 9W in an R-4 Zone (37-1-31.1)**

**WHEREAS, a public hearing was held on October 24, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared on behalf of this Application; and**

**WHEREAS, there were two spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and those present had questions which were answered at the hearing; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property consists of a commercial property located on a busy commercial highway. The front portion of the property is located in an NC Zone, while the rear portion is located in an R-4 Residential Zone. The applicant seeks the determination that the boundary line between the zoning districts is located so that it will not interfere with the commercial development of the property.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The proper boundary line between the zoning districts is as it was identified on the 1993 Zoning Map presented to the Board.
2. The boundary line between the R-4 and NC zoning districts is located at the rear of the properties owned by the applicant and those properties are entirely within the NC zone.

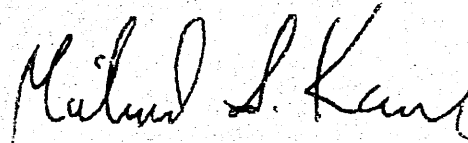
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a determination of the exact location of any District Boundary shown on the zoning map, or Use Variance to locate a hotel in an R-4 Zone at 2975 NYS RT. 9W in an R-4 Zone (37-1-31.1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: October 24, 2005



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Chairman



# **Town of New Windsor**

**555 Union Avenue**  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## **OFFICE OF THE ZONING BOARD OF APPEALS**

March 27, 2006

Joseph Bonura  
90 Sarvis Lane  
Newburgh, NY 12550

**SUBJECT: REQUEST FOR VARIANCE #05-50**

Dear Mr. Bonura:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: JANUARY 11, 2006**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 286.81 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #05-50**

**NAME & ADDRESS:**

**Joseph Bonura  
90 Sarvis Lane  
Newburgh, NY 12550**

**THANK YOU,**

**MYRA**

**L.R.01-12-2006**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #05-50

TYPE: INTERPRETATION

TELEPHONE:

565-3390

**APPLICANT:**

Joseph Bonura  
90 Sarvis Lane  
Newburgh, NY 12550

RESIDENTIAL: \$ 50.00  
COMMERCIAL \$ 150.00  
INTERPRETATION \$ 150.00

CHECK # \_\_\_\_\_  
CHECK # 695  
CHECK # \_\_\_\_\_

ESCROW: COMMERCIAL \$500.00

CHECK # 692

~~~~~

**DISBURSEMENTS:**

**MINUTES      ATTORNEY  
\$5.50 / PAGE      FEE**

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>8</u> | PAGES | \$ <u>44.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>9</u> | PAGES | \$ <u>49.50</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 10/13/05

\$ 49.69

TOTAL:      \$ 143.19      \$ 70.00

~~~~~

ESCROW POSTED: \$ 500.00  
LESS: DISBURSEMENTS: \$ 213.19

AMOUNT DUE: \$ \_\_\_\_\_

REFUND DUE: \$ 286.81

Cc:

L.R. 01-12-2006

JOSEPH\_BONURA\_(05-50)

---

MR. KANE: Request for determination of the exact location of any district boundary shown on the zoning map, or use variance to locate a hotel in an R-4 zone at 2975 NYS Rt. 9W. First thing that we'd like to get is your name.

MR. BONURA: Joseph Bonura, Jr., my address is 32 Chestnut Lane, Newburgh. What we're here to do is make not so much make out an application for a hotel is straighten out the zoning line issue which we came across when we were doing our initial survey for the hotel. So when we hired Chazen Companies to do a boundary survey for our property, it came to our attention that half of Anthony's Pier 9 which has been around for a long time was actually in a residential zone. So we did some digging to find out how this happened and to sum it up what we found was back in 1966 we found a map that showed the line between the R-4 zone and the NC zone to be 500 feet off Route 9W. In 1992 when we did our last major addition on the back of Anthony's Pier 9 we have a map, a stamped map from the surveyor that shows that the R-4 line was somehow moved 400 feet back from 9W which was still okay, we, that's the setback that we had been working with all these years. And then in 2005 when we did the new survey somehow the line moved to 200 feet back towards 9W which puts it directly through the middle of our building. So we're here to get some clarification, we were never notified of any zoning line change, we never requested a zoning line change and we're here to get some clarification that that line is actually at the back of the building where we have always thought it was and I have some maps here. I also have an area photograph to show the building that's already been in existence and I will answer any questions.

MR. KANE: Can I see the map, Joe?

MR. BONURA: Sure, this is the 1992 map, it shows Pier 9, this is Anthony's Pier 9, that's Route 9W and as you can see what we saw was the zoning line would be right here, this dashed in line which runs passed this piece of property and also continues through the next piece of property which in the future we're planning on building a hotel so this is what brought our attention back to the problem now. You can see that if you add up this footage here you have 202 feet and 192 which is the 400 feet that we had always thought we had. And then I will show you the map that we just got earlier this year, this is it, we're in the same way, here's 9W and here is the zoning line going right through the middle of the building, this is where we thought the zoning line was always and that's what we had been working with, somehow, we don't know how, it showed up here.

MR. BABCOCK: Mr. Chairman, we're pretty sure in research that we did for the town in 1993 they did a rezoning along 9W in spots throughout the town line all to change from R-4 to NC and everywhere that they changed was depicted at 200 feet and we think that when they did this they just put all the zoning at 200 feet on the map so when it came from the engineering department down to the computer guys to change the maps and put this NC zone in different areas along 9W that was all 200 feet so they changed every NC zone to 200 feet cause there was never any request on this piece of property nor would it make sense that this, the zoning line go through the building.

MR. KANE: Never mind.

MR. BABCOCK: In the back of this building there's a car garage that he went to the planning board to get approval to build, he would have never got that approval if the zoning was R-4, you can't build it there.

MS. LOCEY: So the map is incorrect?

MR. BABCOCK: Yes.

MS. LOCEY: The written zoning is correct?

MR. BABCOCK: Yes.

MS. LOCEY: Just when it was depicted on the map the lines were written in the wrong place and that's correctable on our part, nothing to do with him?

MR. BABCOCK: That's right and we have the original map that shows that it was 500 feet off of 9W, we have that in our file.

MR. KANE: Let me ask if there's anybody in the public for this particular hearing? Okay, at this point, I might as well open it up to the public.

MR. FOTI: Charles and Mary Louise Foti, F-O-T-I.

MRS. FOTI: So this is the back of Pier 9?

MR. BONURA: Yes.

MR. FOTI: I believe our property is on right here. We're only here because we got this letter, we didn't know anything about this.

MR. KANE: Basically what happened, let's show you this one, this is 1993, they're supposed to be back here from that garage from this point going straight back, here it shows it going right through the building so instead of this line which is where it should be back here they just according to Mike they went through and just on the computer popped 200 feet, 200 feet, 200 feet.

MR. BABCOCK: Sometimes Mr. Chairman sometimes the

zoning goes with property lines. If you look at this map you'll see that the zoning line bounces back and forth, this is probably easier for you to see, see it travels with the property line at some points wherever it doesn't it's measured and in '66 you could see that this is clearly 500 feet and then the zoning got changed along here so anywhere it didn't run with the property line it was 200 feet so this line see how this is dark this should be white, this piece right here and the line should up here.

MR. KANE: So what they're here tonight for is just to get an interpretation stating that the zoning line is right there and not as it shows on this map here back where it's supposed to be in 1993.

MR. FOTI: So where they want to build the hotel this is a future use?

MR. KANE: Future project meeting or whatever, has nothing to do with this, this is just clearing up the zoning line.

MR. FOTI: I just didn't know it's because we're neighbors.

MR. KANE: Anybody within 500 feet gets one.

MR. BABCOCK: We found a section in the codes cause we tried to do this, I went to the attorney's office and said how do I do this, how do we change the zoning line, we need a request and he said you've got to find something, so we looked in the code and it said the zoning board has the right to determine where a zone line is if there's a dispute and that's why they're here.

MR. KANE: Good.

MR. FOTI: Aren't they here to ask for a variance?

MR. BABCOCK: No.

MR. KANE: Just an interpretation as to where the zoning line is.

MR. KRIEGER: The variance request would only be triggered if the interpretation that they asked for was denied.

MR. BABCOCK: In theory if this was denied they'd need a variance to keep Pier 9 there.

MR. FOTI: And if this is not denied, where does that leave them?

MR. BABCOCK: They get to keep Pier 9.

MR. KRIEGER: Visually just exactly where they are now.

MR. KANE: Basically it changes nothing except to then legally this line is where it's supposed to be.

MR. FOTI: Where are we on here?

MR. BABCOCK: Here, this is Fay right here.

MRS. FOTI: What's an R-4 zone?

MR. BABCOCK: Single family residential.

MR. KANE: If the planning board refers them back here for anything for the hotel, you'll get a notice on that.

MR. FOTI: Do you know if there's supposed to be a road? We were told when we bought this house in '79 we were told there was supposed to be a road to connect and it's never come yet all these years later.

MR. BABCOCK: There's a strip of property there like it was supposed to be connected, just never been done.

MR. FOTI: It's an open issue still whether it's going to be done at some point?

MR. KANE: I don't know.

MR. BABCOCK: I don't think the town is going to build it.

MR. FOTI: Thank you.

MR. KANE: For clarification do you have any opinion on this interpretation at all?

MR. KRIEGER: In favor or opposed?

MR. FOTI: No opinion at all either way.

MR. KANE: Thank you. At this point, anybody else? We'll close the public portion and Myra?

MS. MASON: On October 5, I mailed out 23 envelopes.

MR. KANE: Back to the board, any further questions?

MS. LOCEY: In 1993, what was the correct distance?

MR. KANE: Four hundred feet.

MS. LOCEY: That's 400 feet back from Route 9W?

MR. KANE: Correct.

MS. LOCEY: From Route 9W back 400 feet is considered what zone?

MR. BABCOCK: It's the zone behind it at 9W is NC, Neighborhood Commercial.



MS. LOCEY: And R-4 is behind?

MR. BABCOCK: Yes.

MR. KANE: Where the zoning line is it's putting R-4 halfway through the building.

MS. LOCEY: I understand.

MR. KANE: Any other questions, guys? Can I have a motion for an interpretation?

MR. REIS: Make a motion that we make an interpretation that the district boundary shown on the zoning map shows 400 feet from 9W.

MR. KANE: As per the 1993 map for this particular piece of property.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. BABCOCK: Mr. Chairman, I don't know if 400 feet is the right number, I think we should put at the rear yard of the Pier 9 property cause it's not exactly 400 feet, it's at 12.

MR. BONURA: It's 395.

MR. BABCOCK: We want to say it's this long at the rear cause this is actually R-4 residential lots, we don't want it encroaching on those lots.

MR. KANE: Right, so we're going to say it follows but this is on their property, right, so it doesn't really follow the property line.

MR. BABCOCK: No, this is existing, we're going to have to deal with that some other time.

MR. KRIEGER: Well, even if the line encroached a little bit on the R-4 lot, it's still considered the--

MR. BABCOCK: They're not built on yet.

MR. KRIEGER: Still considered the zone that the majority of the lot is in, aren't they?

MS. LOCEY: Why don't we just amend the motion to make it as identified in the 1993 zoning map.

MR. KANE: We'll make that amendment as identified in the 1993 zoning.

MR. BABCOCK: Not 400.

MR. KANE: Right, all right, so everybody's in agreement we take the number out.

MR. REIS: Thank you.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. BONURA: When you say this particular piece of property, there's really two pieces of property it applies to the line.

October 24, 2005

55

MR. KRIEGER: All pieces of property.

MR. BONURA: All pieces of property touching the line.

MR. BABCOCK: Yes.

MR. KANE: Yes.

MR. BONURA: That's what I wanted to make sure. Thank you.



TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: J. Bonura

DATE: 10-24-05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	<u>Charles + Mary Forte - 33 Fay Ave.</u>		
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
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20.			

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

# JOSEPH BONURA

**#05-50**

**X**

**MYRA L. MASON, being duly sworn, deposes and says:**


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 51<sup>st</sup> day of **OCTOBER, 2005**, I compared the 23 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

*Myra Mason*  
Myra L. Mason, Secretary

11<sup>th</sup> day of October, 2005

  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified In Orange County**  
**Commission Expires 10/30/ 2006**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

October 4, 2005

Joseph Bonura  
90 Sarvis Lane  
Newburgh, NY 12550

SUBJECT: REQUEST FOR VARIANCE/INTERPRETATION #05-50

Dear Mr. Bonura:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Rt. 9W  
New Windsor, NY

is scheduled for the October 24, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

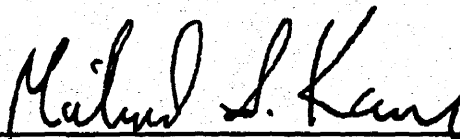
**Appeal No. 05-50**

**Request of JOSEPH BONURA**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for determination of the exact location of any District Boundary shown on the zoning map, or Use Variance to locate a hotel in an R-4 Zone at 2975 NYS RT. 9W in an R-4 Zone (37-1-31.1)**

**PUBLIC HEARING will take place on OCTOBER 24, 2005**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

August 23, 2005

Joseph Bonura  
90 Sarvis Lane  
Newburgh, NY 12550

Re: 37-1-31.1 ZBA#: 05-50 (23)

Dear Mr. Bonura:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

37-1-14.1 & 18.2

NYS DEC / ATT: Colin Campbell  
Bureau of Financial Admin. Office  
5<sup>th</sup> Floor – A.E. Smith Building  
Albany, NY 12236

37-1-20

Tarsio Realty Associates  
c/o Pat Tarsio Lanes  
173 South Plank Road  
Newburgh, NY 12550

37-1-34 & 35..32

Windsor Enterprises, Inc.  
5020 Route 9W  
New Windsor, NY 12553

47-1-79

Michael Benninger  
32 Faye Avenue  
New Windsor, NY 12553

47-1-82

Michael & Felicia Witkowski  
38 Faye Avenue  
New Windsor, NY 12553

48-3-3.1

Newburgh Realty Holding Co., Inc.  
2934 Route 9W  
New Windsor, NY 12553

48-4-17

Charles & Mary Foti  
33 Faye Avenue  
New Windsor, NY 12553

48-4-37

Robert Griffing  
42 Faye Avenue  
New Windsor, NY 12553

37-1-15

Paradise Park, Inc.  
c/o Mannix Associates  
126 Turner Road  
Pearl River, NY 10965

37-1-26,27,28 / 48-4-39 & 40

Pier Properties, LLC  
2975 Route 9W  
New Windsor, NY 12553

37-1-35.1

119 Caesars Lane, LLC  
81 Gilberto Road  
Ho-Ho-Kus, NJ 07423

47-1-80

Christopher & Kathryn Craig  
34 Faye Avenue  
New Windsor, NY 12553

47-1-83

Izrail & Maria Asinovsky  
48 Pearce Parkway  
Pearl River, NY 10965

48-4-15

Mark & Joann Leslie  
30 Nee Avenue  
New Windsor, NY 12553

48-4-19

Robert & Florinda Jarvis  
31 Faye Avenue  
New Windsor, NY 12553

48-4-38

Dina Diamant  
44 Faye Avenue  
New Windsor, NY 12553

37-1-16.1 & 16.22

Vincent Yonnone  
82 Merline Avenue  
New Windsor, NY 12553

37-1-29 & 30

Catering Personnel, LLC  
2975 Route 9W  
New Windsor, NY 12553

37-1-67.2

Saw Mill Sports Mgmt Corp.  
2902 Route 9W  
New Windsor, NY 12553

47-1-81

Christopher & Rosemarie Noto  
36 Faye Avenue  
New Windsor, NY 12553

48-1-25

Florence Slater  
c/o Robert Slater  
214 Brazilian Avenue - #260  
Palm Beach, FL 33480

48-4-16

John Lisi  
34 Nee Avenue  
New Windsor, NY 12553

48-4-22

Louis Talerico  
29 Faye Avenue  
New Windsor, NY 12553

**Town of New Windsor**  
**ZONING BOARD OF APPEALS**  
**PUBLIC HEARING NOTICE**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-50  
 Request of JOSEPH BONURA

for a VARIANCE of the Zoning Local Law to Permit:

Request for determination of the exact location of any District Boundary shown on the zoning map, or Use Variance to locate a hotel in an R-4 Zone at 2975 NYS RT. 9W in an R-4 Zone (37-1-31.1)

**PUBLIC HEARING** will take place on October 24, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

**MICHAEL KANE**  
**CHAIRMAN**

**Ad Number: 1806899 Advertiser: NEW WINDSOR, TOWN**

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

**INVOKING CUSTOMER:**

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

**ORDER:**

Printed By: THRFODRNL Date: 10/11/2005 Assigned Sales: TownofNewWindsor PLANNINGBOARD PUBLIC AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

**NOTES:**

Change Reason:

**INSERTION:**

Product: THL Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 10/13/2005 End Date - 10/13/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPE

**PRODUCTION:**

Text Size: 2 x 27.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tensheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

**PRICING:**

Price: 49.69 Payment Method: BI Amount Paid: 0 Amount Owed: 49.69

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEI

For Fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

# TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

**Patricia Foddrill**

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

## **Legal Advertising Rep.**

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

## **Public Notice**

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

10/13/05

Signature of Representative:

Sworn in before me this

Day of

2005

Notary Public, Orange County

BRETTCHEN PINA BREEDY  
NOTARY PUBLIC FOR THE STATE  
OF NEW YORK, ORANGE COUNTY  
OATH / SIGNATURE IS ON FILE  
COMMISSION EXPIRES 11/20/2005

JOSEPH\_BONURA\_(05-50)

---

MR. KANE: Request for determination of the exact location of any district boundary shown on the zoning map or use variance to locate a hotel in an R-4 zone.

Mr. Joseph Bonura appeared before the board for this proposal.

MR. KANE: Yes?

MR. BONURA: Good evening, the reason we're here tonight, I own Anthony's Pier 9 and we want to build a hotel next to Pier 9 and we've own the property for several years and we had it surveyed to determine where we're going to put the hotel and much to our surprise when the survey came back we found that the R-4 line, the residential line somehow was moved and believe it or not right now it goes right through Pier 9 which is a little impossible because we came to the planning board about 15 times, I had a certified survey from Mr. Grevas in 10/26/89 showing where the residential line is. But let me explain to you, let me show you that line first of all, and I have been to the Town Hall hunting down a map trying to find out what happened and I will give you the best explanation that I can give. But anyway here in '89 he certified that the residential line was right here because I was given permission at this planning board meeting to put my vehicle storage buildings 30 percent into the residential line, this is the line and it's certified. Now, Chazen just doing the survey a couple months ago shows the residential line here according to the current map going right through my building and here instead of back here somehow this line got moved. So now let me explain to you where I think the mistake was. In 1966 we have a map here, map number one.

MR. KANE: That would be the first year of zoning, right?

MR. BABCOCK: That's correct.

MR. BONURA: The zoning it was 500 feet it shows back from 9W which puts it here at the top of the hill, okay, that's 1966. So we have it there, then in August of '93, there was a revised zoning along 9W, let me get this map here, here's a map where it says revised, the NC zone along 9W and that was supposed to be 200 feet from 9W but not in this section, it was up towards the corner towards the light by Vails Gate from what I understand. But when they did the map, they went all the way down to here, all the way, they did all of 9W because as I said in '89, I have a certified survey from Grevas showing where that line is. In fact, I can't find anything that brings the line down to here, as far as everything shows in the books, it's back here, the line is 500 feet back, but we don't want it back there, we just want it where it was right here and that goes here because here let me give you an aerial, we happen to have an aerial photograph taken for the survey and here we are, here's the shed right here, okay, here's the top of the hill, we have been using this for a parking lot, I'm sure people park here, we have used it for 15 years as commercial and it just happens the day that we took this photograph we used it. This is the piece in question and now the line says right now my building is in violation, half of it is in an residential zone so this line somehow got moved by the state.

MR. BONURA, JR.: I'm Joe Bonura junior and this line coincidentally lines up with the school district line.

MR. BONURA: What is it, the Cornwall line, I think?

MR. BABCOCK: Cornwall-Newburgh line.

MR. BONURA: Show you how I think they took the Cornwall line and made the residential there.

MR. KANE: So Mike, do I have the power to draw lines wherever the hell I want?

MR. BABCOCK: Yes. Mr. Chairman exactly what Mr. Bonura said we did a lot of research and that's exactly what happened, there's been no request by the Town or by Mr. Bonura to move this line. We went back through every map out since 1989 so when the zoning was changed along 9W in other areas to be 200 feet back when they made up the new map they just did it the entire 9W at 200 feet.

MR. BONURA: We would have never known if we weren't going to do the hotel, we never would have known.

MR. KANE: To cure this, we would then need an interpretation from the zoning board stating that for this particular section, block and lot?

MR. KRIEGER: Let me understand this, it isn't the Pier 9 property that you're looking at?

MR. BONURA: Oh, yes.

MR. KANE: It goes right through his building.

MR. KRIEGER: Okay.

MR. KANE: So it's actually both these properties.

MR. MC DONALD: The interpretation is to bring this back to the original line.

MR. KRIEGER: Which is the piece of property you intend to build the hotel on.

MR. BONURA: Right here.

MR. KRIEGER: And the original line was coincident with

the rear line, is that it?

MR. BONURA: Right, this was the line.

MR. KRIEGER: Now they've moved it up.

MR. KANE: We don't know how it got moved up.

MR. KRIEGER: It shows it moved up.

MR. KANE: Right.

MR. KRIEGER: So but my question is with the line moved up is this piece of property is more than half of it in the residential zone now?

MR. BONURA: No, just this portion.

MR. KANE: Just this little corner right here.

MR. KRIEGER: So most of it is in the commercial zone.

MR. BONURA: Yes.

MR. KRIEGER: So what if the application is for this piece of property, the hotel, if the application is here then it requires an interpretation, the first interpretation is whether this parcel, whether he's allowed to build in accordance, what's the rest of this zone?

MR. BONURA: NC.

MR. KRIEGER: He's allowed to build in conjunction with the NC, the NC criteria give you permission to build a hotel?

MR. BONURA: Yes.

MR. KRIEGER: So if there's a zoning board



interpretation that this parcel you're allowed to use NC use on the parcel, that's what you're looking for. Now, with respect to the Pier 9, if no one has filed an objection, then there's nothing for the Zoning Board of Appeals to hear because it's and appeals board, somebody has to raise an objection first and I haven't, I heard concerns on your part but I haven't heard an objection, nobody has come in and raised an objection.

MR. BABCOCK: I am.

MR. KRIEGER: As long as there's no objection then there's no question as Mr. Reis said it facetiously tearing down the building or doing anything else. What I am getting at is the Zoning Board of Appeals has no jurisdiction unless there's something to appeal, there's nothing, no objection has been raised here, the building inspector hasn't made any ruling or decision to appeal.

MR. BABCOCK: Yeah, in the code there is a section that says that I can ask for an interpretation for the exact location of a zoning line and that's what I'm basically doing tonight.

MR. KRIEGER: Then there's if you're talking about raising with respect to the zoning now.

MR. BABCOCK: See the line is farther down.

MR. KANE: That's the school.

MR. BABCOCK: That's really it's hard to see on these maps but on the printed map its clear this line needs to move, this line is down here, Mike, see on this map this line is here, the line needs to be here, that's where it's supposed to be, these are residential houses, it's not supposed to be up here, it's supposed to be here, which will fix this whole thing and this corner is the problem with the hotel.

MR. BONURA: That's where we found it.

MR. KANE: That we can take care of.

MR. BABCOCK: And this line needs to go all through here, makes everything at Pier 9 legal and makes this legal.

MR. KANE: What then we need something in writing from the building inspector for Pier 9 to make an interpretation about that property line?

MR. BABCOCK: That's what I did on my denial, that's what it is.

MR. KRIEGER: As long as there's a denial, yes.

MR. KANE: Then we can handle them both.

MR. BABCOCK: Section 300-84(a)(2), do you want to see that code, Andy?

MR. KRIEGER: Yes.

MR. KANE: So on the public you're going to have to do two interpretations, one for each property, okay?

MR. MC DONALD: We're going to be moving this back.

MR. KANE: Our interpretation is that number one, on this property since the most of the, 3/4 of the property is in an NC zone that he can build the whole property as NC and the second portion would be that we also find that the zoning line should return to the former state and that's where the building department and the, you know, the Town will consider that as the zoning line, then we would have to just do the zoning line for Pier 9 going up here that we find it back to the old boundaries. Legally we're dealing with two

different properties so we have to do each property.

MR. BABCOCK: I can make another referral.

MR. KANE: Okay, so it has its own separate paperwork. So that way we can handle both and we'll set you up.

MR. BONURA: We can't find anything where that line right now should be back here.

MR. KANE: Looks like they took the school zone thing and kind of imposed it over here, okay, we can fix both of those up, that's not a problem.

MR. BABCOCK: Mr. Chairman, in August of '93 when they made the 200 foot rule, this property and the line where it is now is 202 feet so it's exactly where.

MR. BONURA: They went all the way, this is 202 feet from 9W.

MR. BABCOCK: If you look at the zoning map along 9W it's exactly 200 feet back.

MR. KANE: What year?

MR. BABCOCK: August of 1993. Mr. Chairman, one more thing just for clarification, just so that if it ever becomes a measurement, the measurement where the line is supposed to be and where we're asking you to make the interpretation that it is is 395 feet back from 9W.

MR. KANE: All the way across about the properties.

MR. BABCOCK: Well, no, it's on an angle but this is at the one side and it's at the intersection of the Pier 9 lot and the lot where the hotel wants to be built, this way it's clear.

MR. KANE: May I have a motion?

August 22, 2005

20

MR. MC DONALD: I make a motion that we set Mr. Bonura up for a public hearing for two interpretations, one of which has the hotel property has two versions.

MR. KANE: So you're going to, you can simply set it up for an interpretation of both properties.

MR. MC DONALD: So moved.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE



August 22, 2005

**P.B.#**

## PROXY

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y ✓ N       

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#761-2005**

08/16/2005

Bonura, Joseph ZBA #05-50

Received \$ 150.00 for Zoning Board Fees, on 08/16/2005. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 08-08-05

FOR: ESCROW 05-50

FROM:

**Joseph Bonura**  
**90 Sarvis Lane**  
**Newburgh, NY 12550**

CHECK NUMBER: 692

TELEPHONE: 565-3390

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU







# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **ZONING BOARD OF APPEALS**

**August 8, 2005**

**Joseph Bonura  
90 Sarvis Lane  
Newburgh, NY 12550**

**SUBJECT: REQUEST FOR VARIANCE #05-50**

**Dear Mr. Bonura:**

**This letter is to inform you that you have been placed on the August 22, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:**

**2975 NYS Rt. 9W  
New Windsor, NY**

**This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.**

**Very truly yours,**

---

**Myra Mason, Secretary  
Zoning Board of Appeals**

**MLM:mlm**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

August 5, 2005  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☒

**I. Owner Information:**

Joseph A. Bonura  
(Name)

2975 Route 9W New Windsor, NY 12553  
(Address)

Phone Number: (845) 565-3390

Fax Number: (845) 565-9451

**II. Applicant:**

Same

(Name)

(Address)

Phone Number: ( )

Fax Number: ( )

**III. Forwarding Address, if any, for return of escrow:**

Same

(Name)

(Address)

Phone Number: ( )

Fax Number: ( )

**IV. Contractor/Engineer/Architect/Surveyor/:**

Marshall Rosenblum  
(Name)

Airport Center Drive Suite 201 New Windsor, NY 12553  
(Address)

Phone Number (845) 562-0270

Fax Number: (845) 562-1652

**V. Property Information:**

Zone: R-4 Property Address in Question: \_\_\_\_\_

Lot Size: 5 Acres Tax Map Number: Section 37 Block 1 Lot 31.1

a. What other zones lie within 500 feet? NC

b. Is pending sale or lease subject to ZBA approval of this Application? No

c. When was property purchased by present owner? \_\_\_\_\_

d. Has property been subdivided previously? No If so, When: \_\_\_\_\_

e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? No

f. Is there any outside storage at the property now or is any proposed? No

**\*\*\*\*PLEASE NOTE:\*\*\*\*\***

***THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.***

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created, by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

After completing a boundary survey for our proposed hotel project, it appeared that there was an error made at some point by either the zoning or planning board. if the property in question is truly zoned R-4, the residential boundary runs directly through the middle of our existing business, Anthony's Pier 9. That business has been before the planning board for numerous additions / construction projects, all of which have been approved. Obviously the zoning could not have been as such or all of our previous projects at Pier 9 would have been denied. We have been using the land in question as a parking lot for many years now with no adverse effects on the surrounding community. We feel that the map simply should be cleaned up to accurately represent the zoning of the land in question as it has been interpreted by the planning board many times in the past. In no way can this clarification or interpretation adversely affect the surrounding community, in the same manner in which the land has been used for years.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**OWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**X. SIGN VARIANCE:**

- (a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs \_\_\_\_\_?

**XI. INTERPRETATION:**

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section 300-84 A(2)

- (b) Describe in detail the proposal before the Board:

We would like the zoning board to 'clean up' the map to reflect the way in which this land has been used for years. If the map is to be believed as read, the R-4 zoning boundary runs directly through Anthony's Pier 9. This obviously cannot be the case as construction and additions were approved many times over by the planning board. We wish only for the map to reflect the logical boundary as the map should read.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

XII. **ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

XIII. **ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. **AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

8 day of Aug 2005.

*Cheryl L. Canfield*

*Joseph A. Bonura*  
Owner's Signature (Notarized)

Joseph A. Bonura  
Owner's Name (Please Print)

**CHERYL L. CANFIELD**  
Notary Public, State of New York

Signature and Stamp of Notary      Qualified in Orange County      Applicant's Signature (If not Owner)

#01CA6073319

Commission Expires April 22, 2006

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐